

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed March 7, 2007.

Claims 1-33 were pending in the present application. This Amendment amends claims 1, 2, 5, 6, 8, 12, 13, 17, 19, 24-27, and 31, leaving pending in the application claims 1-33. Reconsideration of the rejected claims is respectfully requested.

35 U.S.C. §102(b) Rejection of Claims 1-33

Claims 1-33 are rejected under 35 U.S.C. §102(b) as being anticipated by Cotner et al. (U.S. Patent No. 6,247,055, hereinafter "Cotner"). Applicants respectfully submit that Cotner does not disclose each feature of these claims.

Independent claims 1, 8, 12, 19, 24, and 31 are directed to methods and systems for switching management of a database storage area from a first database server (e.g., DBMS) running on a first computer to a second database server already running on a second computer when the first computer fails. For example, amended claim 1 recites, in part:

when a failure has occurred in one of said plurality of computers as a failed computer, obtaining preset substitution information indicating that a storage area managed by a DBMS running on said failed computer is to be managed by a DBMS already running on another one of said plurality of computers as a substitute DBMS;

(Applicants' amended claim 1, in part; emphasis added).

Applicants respectfully submit that at least the above features are not disclosed by Cotner.

Cotner is directed to a method for "resyncing" a client computer with a single database server that has failed and then resumed operation. "Each operating system on each of the machines contains an automatic restart manager facility... after restart, the clients can perform resynchronization with the failed DBMS member." Col. 6, lines 40-47; see also Fig. 3. As such, Cotner merely discloses providing a "substitute" database server for a failed database server by restarting the failed database server. In contrast, amended claim 1 specifically recites providing a substitute DBMS for a first DBMS running on a failed computer by switching management of the storage area associated with the first DBMS to a second DBMS already running on a second computer. Since the failed database server described in Cotner must be

restarted before it can be accessed again, it cannot be considered to be already running at the time of the failure. Thus, Cotner fails to disclose or even suggest "when a failure has occurred in one of said plurality of computers as a failed computer, obtaining preset substitution information indicating that a storage area managed by a DBMS running on said failed computer is to be managed by a DBMS already running on another one of said plurality of computers as a substitute DBMS" as recited in independent claim 1.

For at least the foregoing reasons, Cotner does not anticipate or render obvious Applicants' amended claim 1. Accordingly, Applicants respectfully request that the rejection with respect to claim 1 be withdrawn.

Independent claims 8, 12, 19, 24, and 31 have been amended to recite limitations that are substantially similar to claim 1. Thus, claims 8, 12, 19, 24, and 31 are believed to be allowable for at least a similar rationale as discussed with respect to claim 1, and others.

Dependent claims 2-7, 9-11, 13-18, 20-23, 25-30, and 32-33 depend (either directly or indirectly) from claims 1, 8, 12, 19, 24, and 31 respectively, and are thus believed to be allowable for at least a similar rationale as discussed with respect to claims 1, 8, 12, 19, 24, and 31, and others.

Amendments to the Claims

Unless otherwise specified, amendments to the claims are made for purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof. The amendments are supported by the specification and do not add new matter.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

/Andrew J. Lee/

Andrew J. Lee
Reg. No. 60,371

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
AJL:mg
61019910 v1